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3:01-CV-02302 DATAQUILL LIMITED V. KYOCERA WIRELESS

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UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA

DATAQUILL LIMITED,	Civil No. 01CV2302B (BLM)
Plaintiff, vs. KYOCERA WIRELESS CORP., Defendant.	SUPERSEDING CLAIM CONSTRUCTION ORDER FOR UNITED STATES PATENT NUMBER 6,058,304
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This Order supersedes the original claim construction order of May 11, 2005, and the superseding claim construction order of July 1, 2005, and thus constitutes the only superseding claim construction order in this case.

Pursuant to Markman v. Westview Instruments, Inc., 517 U.S. 370 (1996), on May 3-5, 2005, the Court conducted a Markman hearing in the above-titled patent infringement action regarding construction of the disputed claim terms for U.S. Patent Number 6,058,304 ("the '304 patent"). Plaintiff DataQuill Limited ("DataQuill") was represented by the Competition Law Group, and Defendant Kyocera Wireless Corp. ("Kyocera") was represented by the law firm Procopio Cory Hargreaves & Savitch LLP. On October 24,

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Ì 2005, the Court conducted a limited Markman hearing in the above-titled patent 2 infringement action regarding construction of the claim term "reading sensor" in the '304 patent. Plaintiff DataQuill Limited ("DataQuill") was represented by the Competition Law 3 Group and the law firm Hech Solberg Robinson and Goldberg. Defendant Kyocera Wireless 4 Corp. ("Kyocera") was represented by the law firm Procopio Cory Hargreaves & Savitch 5 LLP. 6 7 At the Markman hearing, the Court, with the assistance of the parties, analyzed claim 8 terms in order to prepare jury instructions interpreting the pertinent claims at issue in the '304 9 patent. Additionally, the Court and the parties prepared a "case glossary" for terms found in 10 the claims and the specification for the '304 patent considered to be technical in nature which 11 a jury of laypersons might not understand clearly without specific definition. 12 After careful consideration of the parties' arguments and the applicable statutes and case law, the Court HEREBY CONSTRUES the claims in dispute in the '304 patent and 13 14 ISSUES the relevant jury instructions as written in Exhibit A, attached hereto. Further, the 15 Court HEREBY DEFINES all pertinent technical terms as written in Exhibit B, attached hereto. This order supersedes and replaces all previous orders construing the claims of the 16 17 '304 patent. 18 IT IS SO ORDERED. 19

DATED: 10-25-05

HON. RUDI M. BREWSTER UNITED STATES DISTRICT JUDGE

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23 cc: All Parties Magistrate Judge

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EXHIBIT A UNITED STATES PATENT NUMBER 6,058,304 - CLAIM CHART

3	VERBATIM CLAIM LANGUA	GE COURT'S CLAIM INTERPRETATION
5	Claim 1	
6	system, said data entry device compri	entry A data entry device for use in a data entry sing: system, said data entry device comprising:
7 8 9 10	a reading sensor responsive to comm and/or sensed commands and data to produce input signals;	ands a reading sensor [a structure capable of detecting and reporting data] responsive [giving response or reaction] to commands and/or sensed commands and data [instructions and factual information] to produce input signals [output of the reading sensor to be received by a controller];
12 13		a controller [a microprocessor or other processing circuitry] coupled [connected or linked] to said reading sensor to receive and process [to subject to examination or analysis] said input signals;
15	said controller coupled to a communications inter-face to selective control transmission over said	said controller coupled to a communications interface [a device which enables communication between two or more
16 17	and/or data signals as determined by sinput signals processed by said control	said over said communications interface of
18 19	said communications interface being operable directly to connect said data device to a wireless telecommunication	by said input signals processed by said controller; said communications interface being operable directly to connect [connect]
20	l network, and	without an intervening agency or step between the data entry device and the
21		wireless telecommunications network] said data entry device to a wireless telecommunications network; and
22	a display coupled to said controller to	
23	display commands and/or information under control of said input signals	provides a visual representation] coupled to said controller to display [show] commands
24	processed by said controller;	and/or information under control of said input signals processed by said controller;
25 26	wherein said reading sensor, controlle	
27	said communications interface is a ce telephone network interface and said	
28	wireless telecommunications network cellular telephone network, and where	is a wireless telecommunications network is a

1 2	VERBATIM CLAIM LANGUAGE	COURT'S CLAIM INTERPRETATION
3 4 5	said controller is responsive to a said command to cause downloading of information from a remote processing center as required for updating information previously stored in said data entry device.	controller is responsive to a said command to cause downloading [transferring from one place to storage at another] of information from a remote processing center as required for updating information previously stored in said data entry device.
6	Claim 2	
7 8	A data entry device for use in a data entry system, said data entry device comprising:	A data entry device for use in a data entry system, said data entry device comprising:
9	a reading sensor responsive to commands and/or sensed commands and data to produce input signals;	a reading sensor responsive to commands and/or sensed commands and data to produce input signals;
11 12	a controller coupled to said reading sensor to receive and process said input signals;	a controller coupled to said reading sensor to receive and process said input signals;
13 14 15 16 17	said controller coupled to a communications inter-face to selectively control transmission over said communications interface of command and/or data signals as determined by said input signals processed by said controller; said communications interface being operable directly to connect said data entry device to a wireless telecommunications network; and	said controller coupled to a communications inter-face to selectively control transmission over said communications interface of command and/or data signals as determined by said input signals processed by said controller; said communications interface being operable directly to connect said data entry device to a wireless telecommunications network; and
18 19 20	a display coupled to said controller to display commands and/or information under control of said input signals processed by said controller;	a display coupled to said controller to display commands and/or information under control of said input signals processed by said controller;
21 22 23 24 25 26 27	wherein said reading sensor, controller and display comprise a unitary assembly and said communications interface is a cellular telephone network interface and said wireless telecommunications network is a cellular telephone network and said data entry device is integral with a cellular telephone, and wherein said controller is responsive to a said command to cause downloading of information from a remote processing center as required for updating information previously stored in said data entry device.	wherein said reading sensor, controller and display comprise a unitary assembly and said communications interface is a cellular telephone network interface and said wireless telecommunications network is a cellular telephone network and said data entry device is integral with [formed as a unit with one or more parts] with a cellular telephone, and wherein said controller is responsive to a said command to cause downloading of information from a remote processing center as required for updating information previously stored in said data entry device.
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1 2		VERBATIM CLAIM LANGUAGE	COURT'S CLAIM INTERPRETATION
3		Claim 4	
4		A data entry device according to any of claims 1, 2 or 3, wherein said	A data entry device according to any of claims 1, 2 or 3, wherein said communications interface includes a modem
5		communications interface includes a modem.	communications interface includes a modem [a device that converts data from one form to another].
7		Claim 5	
8		A data autor davias assauding to any of	A data autor davias assertina to any of
9		A data entry device according to any of claims 1, 2 or 3, wherein said reading sensor, controller and display comprise a	A data entry device according to any of claims 1, 2 or 3, wherein said reading sensor, controller and display comprise a hand
10		hand holdable unit.	holdable [can be held by one hand in normal use] unit.
11		Claim 6	
12			
13		A data entry device according to any of claims 1, 2 or 3, wherein said data entry	A data entry device according to any of claims 1, 2 or 3, wherein said data entry
14 15		device includes a rechargeable power source, means being provided for recharging said power source.	device includes a rechargeable power source, means being provided for recharging said power source.
16		Claim 7	
17		A data entry device according to any of	A data entry device according to any of
18		claims 1, 2 or 3, wherein said data entry device comprises one or two manually operable switches for scrolling said display	claims 1, 2 or 3, wherein said data entry device comprises one or two manually operable switches [devices for making,
19		in a first and/or second direction for selectively displaying said commands	breaking, or changing the connections in an electrical circuit, which can be operated by
20		and/or information.	hand] for scrolling said display [stepping through text or graphics displayed on a
21 22			display] in a first and/or second direction for selectively displaying said commands and/or information.
23		Claim 8	
24		A data entry device according to any of	A data entry device according to any of
25		claims 1, 2 or 3, wherein said data entry device comprises one or two manually	claims 1, 2 or 3, wherein said data entry device comprises one or two manually
26		operable switches for scrolling said display in a first and/or second direction for	operable switches for scrolling said display in a first and/or second direction for
27	$\ $	selectively displaying said commands and/or information, and wherein operation	selectively displaying said commands and/or information, and wherein operation of said
28		of said first and/or second switches in predetermined operational states of said	first and/or second switches in predetermined operational states of said data

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2	VERBATIM CLAIM LANGUAGE	COURT'S CLAIM INTERPRETATION
3	data entry device causes predetermined functions other than scrolling functions to be performed.	entry device causes predetermined functions other than scrolling functions to be performed.
5	Claim 9	
6 7 8 9	A data entry device according to any of claims 1, 2 or 3, wherein said display screen comprises a touch sensitive screen forming a said reading sensor, said controller being arranged to be responsive to a location at which said screen is touched for user input.	A data entry device according to any of claims 1, 2 or 3, wherein said display screen comprises a touch sensitive screen [screen which reacts to touch by producing a signal] forming [assuming the function of] a said reading sensor, said controller being arranged to be responsive to a location at which said screen is touched for user input.
10 11	Claim 10	
12	A data entry device according to any of claims 1, 2 or 3 wherein a said reading	A data entry device according to any of claims 1, 2 or 3 wherein a said reading
13	sensor is for reading coded data such as fingerprints or signatures or written text,	sensor is for reading coded data [data having a recognizable pattern or structure] such as
14 15	wherein said controller is arranged to access stored information for selectable items to determine natural language characters or images corresponding to the	fingerprints or signatures [a characteristic or mark distinctively identifying a person] or written text, wherein said controller is arranged to access stored information
16 17	coded data for display.	[information previously saved] for selectable items to determine natural language characters or images corresponding to the coded data for display.
18	Claim 12	
19 20	A data entry device according to any of claims 1, 2 or 3, wherein a said reading sensor is a motion detector or a scanning	A data entry device according to any of claims 1, 2 or 3, wherein a said reading sensor is a motion detector [a device that is
21	device.	sensitive to movement] or a scanning device.
22	Claim 18	
23	A data entry device according to any of claims 1, 2 or 3 comprising rewritable storage and wherein programs in said data	A data entry device according to any of claims 1, 2 or 3 comprising rewritable
25	entry device are updateable remotely from a processing center.	storage [storage in which the stored information can be written over] and wherein programs [coded instructions that a
26		computer follows to perform a desired sequence of operations] in said data entry
27		device are updateable remotely from a processing center.
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1 **COURT'S CLAIM INTERPRETATION** VERBATIM CLAIM LANGUAGE 2 Claim 20 3 A data entry device according to any of A data entry device according to any of 4 claims 1, 2 or 3, comprising a carrier or a claims 1, 2 or 3, comprising a carrier [a display for a plurality of data and/or medium which carries one or more data 5 command codes for association with means and/or command code, character, image, or for displaying a plurality of selectable graphical or alphanumeric data items, wherein said carrier carries a representation or a display for a plurality of data and/or command codes for association plurality of codes, each for a respective one 7 with means for displaying a plurality of of a plurality of natural language and/or selectable items, wherein said carrier carries numeric characters and a plurality of 8 commands for controlling operation of said a plurality of codes, each for a respective one data entry device or a merchandising of a plurality of natural language and/or system, each code being associated with a numeric characters and a plurality of visual representation of the corresponding commands for controlling operation of said 10 data entry device or a merchandising system, natural language or numeric character or command and/or of a graphical each code being associated with a visual 11 representation thereof. representation of the corresponding natural language or numeric character or command 12 and/or of a graphical representation thereof. 13 This is a means-plus-function claim. The function of the above means is: 14 displaying a plurality of selectable items. The structure to perform this function is: cols. 2:13-29; 6:51-7:9; 12:65-13:21, and 15 their equivalents. 16 Claim 21 17 18 A data entry device according to any of A data entry device according to any of claims 1, 2 or 3, comprising a carrier or a claims 1, 2 or 3, comprising a carrier or a 19 display for a plurality of data and/or display for a plurality of data and/or command codes for association with means command codes for association with means 20 for displaying a plurality of selectable for displaying a plurality of selectable items, items, wherein said carrier carries a wherein said carrier carries a plurality of 21 plurality of codes, each for a respective one codes, each for a respective one of a plurality of a plurality of natural language and/or of natural language and/or numeric 22 numeric characters and a plurality of characters and a plurality of commands for controlling operation of said data entry commands for controlling operation of said 23 data entry device or a merchandising device or a merchandising system, each code system, each code being associated with a being associated with a visual representation 24 visual representation of the corresponding of the corresponding natural language or natural language or numeric character or numeric character or command and/or of a command and/or of a graphical representation thereof, wherein said codes 25 graphical representation thereof, wherein said codes are bar and/or dot codes and/or 26 are bar and/or dot codes and/or other other product identifications. product identifications. 27

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	VERBATIM CLAIM LANGUAGE	COURT'S CLAIM INTERPRETATION
	Claim 22	
	A data entry device according to claim [sic] any of claims 1, 2 or 3 wherein a key on said data entry device can be used for entry of a said command and/or data.	A data entry device according to any of claims 1, 2 or 3 wherein a key [a manual switch] on said data entry device can be used for entry of a said command and/or data.
ĺ	Claim 23	
	A merchandising system comprising a data entry device according to any of claims 1, 2 or 3, wherein:	A merchandising system comprising a data entry device according to any of claims 1, 2 or 3, wherein:
	said device is programmable with information relating to user selectable merchandisable items; and	said device is programmable with information relating to user selectable merchandisable items; and
	said interface is coupleable to a remote processing center for initiating processing of user orders of said selectable merchandisable items.	said interface is coupleable to a remote processing center for initiating processing of user orders of said selectable merchandisable items.
	Claim 26	
	A data entry system comprising a hand holdable data entry unit, said hand holdable unit comprising:	A data entry system comprising a hand holdable data entry unit, said hand holdable [can be held by one hand in normal use] unit comprising:
	a reading sensor for sensing commands and/or data and for producing input signals in response to said sensed commands and/or data;	a reading sensor for sensing commands and/or data and for producing input signals in response to said sensed commands and/or data;
	rewritable storage programmable with information relating to a plurality of items, user selectable by means of said reading sensor;	rewritable storage programmable with information relating to a plurality of items, user selectable by means of said reading sensor;
	a controller connected to receive and process said input signals from said sensor, said controller being arranged to respond to commands and/or sensed commands to control said hand holdable unit and to said data to select a said item; and	a controller connected to receive and process said input signals from said sensor, said controller being arranged to respond to commands and/or sensed commands to control said hand holdable unit and to said data to select a said item; and
	a display screen for displaying a user readable representation of said commands and said stored information for said	a display screen for displaying a user readable representation of said commands and said stored information for said selected

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1	VERBATIM CLAIM LANGUAGE	COURT'S CLAIM INTERPRETATION
2	selected item; and	item; and
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4 5	said system further comprising: a telecommunications interface for telephonic transmission of information	said system further comprising: a telecommunications interface for telephonic transmission of information relating to a
6	relating to a selected item or items from said storage to a remote processing center via a telecommunications network and for	selected item or items from said storage to a remote processing center via a telecommunications network and for
7	telephonic reception of information relating to selectable items from said remote	telephonic reception of information relating to selectable items from said remote
8	processing center to said storage via said telecommunications network, said	processing center to said storage via said telecommunications network, said controller
9	controller being responsive to a said command to cause downloading of information from said remote processing	being responsive to a said command to cause downloading of information from said
10 11	center as required for updating information previously stored in said rewritable storage	remote processing center as required for updating information previously stored in said rewritable storage for one or more of
12	for one or more of said selectable items, wherein said hand holdable unit includes a	said selectable items, wherein said hand holdable unit includes a speaker and a
13	speaker and a microphone permitting said hand holdable unit to be used as a telephone handset.	microphone permitting said hand holdable unit to be used as a telephone handset.
14 15	Claim 27	
16 17	A data entry system comprising a hand holdable data entry unit, said hand holdable unit comprising:	A data entry system comprising a hand holdable data entry unit, said hand holdable unit comprising:
18 19	a reading sensor for sensing commands and/or data and for producing input signals in response to said sensed commands and/or data;	a reading sensor for sensing commands and/or data and for producing input signals in response to said sensed commands and/or data;
20 21	rewritable storage programmable with information relating to selectable items;	rewritable storage programmable with information relating to selectable items;
22 23 24	a controller connected to receive and process said input signals from said sensor, said controller being arranged to respond to commands and/or sensed commands to control said hand holdable unit and to said data to select a said item;	a controller connected to receive and process said input signals from said sensor, said controller being arranged to respond to commands and/or sensed commands to control said hand holdable unit and to said data to select a said item;
252627	a display screen for displaying a user readable representation of said commands and said stored information for said selected item; and	a display screen for displaying a user readable representation of said commands and said stored information for said selected item; and
28	a telecommunications interface for	a telecommunications interface for

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2	VERBATIM CLAIM LANGUAGE	COURT'S CLAIM INTERPRETATION
3	telephonic transmission of information relating to a selected item or items from	telephonic transmission of information relating to a selected item or items from said
4	said storage to a remote processing center via a telecommunications network and for	storage to a remote processing center via a telecommunications network and for
5	telephonic reception of information relating to said selectable items from said remote	telephonic reception of information relating to said selectable items from said remote
6	processing center to said storage via said telecommunications network, wherein said telecommunications interface is a	processing center to said storage via said telecommunications network, wherein said telecommunications interface is a
7	telecommunications line interface integral to said hand holdable unit and directly	telecommunications line interface [a device that enables telephonic communication
8	connects said hand-holdable unit to said telecommunications network, and wherein	between two or more devices by wire or cable] integral to said hand holdable unit and
9	said hand holdable unit includes a speaker and a microphone permitting said hand	directly connects said hand-holdable unit to said telecommunications network, and
11	holdable unit to be used as a telephone handset.	wherein said hand holdable unit includes a speaker and a microphone permitting said
12		hand holdable unit to be used as a telephone handset.
13	Claim_28	
14 15	A data entry system comprising a hand holdable data entry unit, said hand holdable unit comprising:	A data entry system comprising a hand holdable data entry unit, said hand holdable unit comprising:
16 17 18	a reading sensor for sensing commands and/or data and for producing input signals in response to said sensed commands and/or data;	a reading sensor for sensing commands and/or data and for producing input signals in response to said sensed commands and/or data;
19	rewritable storage programmable with information relating to selectable items;	rewritable storage programmable with information relating to selectable items;
202122	a controller connected to receive and process said input signals from said sensor, said controller being arranged to respond to commands and/or sensed commands to	a controller connected to receive and process said input signals from said sensor, said controller being arranged to respond to commands and/or sensed commands to
23	control said hand holdable unit and to said data to select a said item;	control said hand holdable unit and to said data to select a said item;
24	a display screen for displaying a user readable representation of said commands	a display screen for displaying a user readable representation of said commands
25	and said stored information for said selected item; and	and said stored information for said selected item; and
26	a telecommunications interface for	a telecommunications interface for
27	telephonic transmission of information relating to a selected item or items from said storage to a remote processing center	telephonic transmission of information relating to a selected item or items from said storage to a remote processing center via a
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2		VERBATIM CLAIM LANGUAGE	COURT'S CLAIM INTERPRETATION
3		via a wireless telecommunications network and for telephonic reception of information	wireless telecommunications network and for telephonic reception of information
4		relating to said selectable items from said remote processing center to said storage via said wireless telecommunications network,	relating to said selectable items from said remote processing center to said storage via said wireless telecommunications network,
5		wherein said telecommunications interface is a telecommunications line interface integral to said hand holdable unit and	wherein said telecommunications interface is a telecommunications line interface integral to said hand holdable unit and directly
7		directly connects said hand-holdable unit to said wireless telecommunications network.	connects said hand-holdable unit to said wireless telecommunications network.
8		Claim 29	
9 10 11		A data entry system comprising a hand holdable data entry unit, said hand holdable unit comprising:	A data entry system comprising a hand holdable data entry unit, said hand holdable unit comprising:
12 13		a reading sensor for sensing commands and/or data and for producing input signals in response to said sensed commands and/or data;	a reading sensor for sensing commands and/or data and for producing input signals in response to said sensed commands and/or data;
14 15 16		rewritable storage programmable with information relating to a plurality of items, user selectable by means of said reading sensor;	rewritable storage programmable with information relating to a plurality of items, user selectable by means of said reading sensor;
17 18 19		a controller connected to receive and process said input signals from said sensor, said controller being arranged to respond to commands and/or sensed commands to control said hand holdable unit and to said data to select a said item; and	a controller connected to receive and process said input signals from said sensor, said controller being arranged to respond to commands and/or sensed commands to control said hand holdable unit and to said data to select a said item; and
20		a display screen for displaying a user	a display screen for displaying a user
21 22		readable representation of said commands and said stored information for said selected item;	readable representation of said commands and said stored information for said selected item;
23		and said system further comprising: a telecommunications interface for	and said system further comprising: a telecommunications interface for telephonic
24		telephonic transmission of information relating to a selected item or items from	transmission of information relating to a selected item or items from said storage to a
25		said storage to a remote processing center via a telecommunications network and for	remote processing center via a telecommunications network and for
26 27		telephonic reception of information relating to selectable items from said remote	telephonic reception of information relating to selectable items from said remote
28		processing center to said storage via said telecommunications network, said controller being responsive to either a said	processing center to said storage via said telecommunications network, said controller being responsive to either a said command or
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2		VERBATIM CLAIM LANGUAGE	COURT'S CLAIM INTERPRETATION
3		command or a said sensed command to cause downloading of information from	a said sensed command to cause downloading of information from said
4		said remote processing center as required for updating information previously stored	remote processing center as required for updating information previously stored in
5		in said rewritable storage for one or more of said selectable items, and wherein said system further comprises a carrier for a	said rewritable storage for one or more of said selectable items, and wherein said system further comprises a carrier for a
6		plurality of data and/or command codes for association with means for displaying a	plurality of data and/or command codes for association with means for displaying a
7		plurality of said selectable items, wherein said carrier carries a plurality of codes,	plurality of said selectable items, wherein said carrier carries a plurality of codes, each
8		each for a respective one of a plurality of natural language and/or numeric characters	for a respective one of a plurality of natural language and/or numeric characters and a
10		and a plurality of commands for controlling operation of said data entry system or a	plurality of commands for controlling operation of said data entry system or a merchandising system, each code being
11		merchandising system, each code being associated with a visual representation of the corresponding natural language or	associated with a visual representation of the corresponding natural language or numeric
12		numeric character or command and/or of a graphical representation thereof.	character or command and/or of a graphical representation thereof.
13		Claim 30	
14 15		A data entry system comprising a hand holdable data entry unit, said hand holdable unit comprising:	A data entry system comprising a hand holdable data entry unit, said hand holdable unit comprising:
161718		a reading sensor for sensing commands and/or data and for producing input signals in response to said sensed commands and/or data;	a reading sensor for sensing commands and/or data and for producing input signals in response to said sensed commands and/or data;
19 20		rewritable storage programmable with information relating to selectable items;	rewritable storage programmable with information relating to selectable items;
21		a controller connected to receive and process said input signals from said sensor,	a controller connected to receive and process said input signals from said sensor, said
22		said controller being arranged to respond to commands and/or sensed commands to	controller being arranged to respond to commands and/or sensed commands to
23		control said hand holdable unit and to said data to select a said item;	control said hand holdable unit and to said data to select a said item;
24		a display screen for displaying a user	a display screen for displaying a user
25 26		readable representation of said commands and said stored information for said selected item; and	readable representation of said commands and said stored information for said selected item; and
27		a telecommunications interface for	a telecommunications interface for
28		telephonic transmission of information relating to a selected item or items from	telephonic transmission of information relating to a selected item or items from said
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2	VERBATIM CLAIM LANGUAGE	COURT'S CLAIM INTERPRETATION
3	said storage to a remote processing center via a telecommunications network and for	storage to a remote processing center via a telecommunications network and for
4	telephonic reception of information relating to said selectable items from said remote	telephonic reception of information relating
5	processing center to said storage via said telecommunications network, wherein said	to said selectable items from said remote processing center to said storage via said telecommunications network, wherein said
6	telecommunications interface is a telecommunications line interface integral	telecommunications interface is a telecommunications line interface integral to
7	to said hand holdable unit and directly connects said hand-holdable unit to said	said hand holdable unit and directly connects said hand-holdable unit to said
8	telecommunications network, and wherein said data entry system further comprises a	telecommunications network, and wherein said data entry system further comprises a
9	carrier for a plurality of data and/or command codes for association with means	carrier for a plurality of data and/or command codes for association with means
10	for displaying a plurality of said selectable items, wherein said carrier carries a	for displaying a plurality of said selectable items, wherein said carrier carries a plurality
11	plurality of codes, each for a respective one of a plurality of natural language and/or	of codes, each for a respective one of a plurality of natural language and/or numeric
12	numeric characters and a plurality of commands for controlling operation of said	characters and a plurality of commands for controlling operation of said data entry
13	data entry system or a merchandising system, each code being associated with a	system or a merchandising system, each code being associated with a visual representation
14	visual representation of the corresponding natural language or numeric character or	of the corresponding natural language or numeric character or command and/or of a
15	command and/or of a graphical representation thereof.	graphical representation thereof.
16	Claim 32	
17	A data entry system according to claim 26	A data entry system according to claim 26 or
18	or claim 29, wherein said telecommunications interface is integral to	claim 29, wherein said telecommunications interface is integral to said hand holdable
19	said hand holdable unit and directly connects said hand-holdable unit to said	unit and directly connects [connect without an intervening agency or step between the
20	telecommunications network.	hand holdable unit and the telecommunications network] said hand-
21		holdable unit to said telecommunications network.
22	Claim 33	
23		A 1-4
24	A data entry system according to any of claims 26, 28, 29, 30 or 31, wherein said	A data entry system according to any of claims 26, 28, 29, 30 or 31, wherein said
25	hand holdable unit includes a rechargeable power source, means being provided for	hand holdable unit includes a rechargeable power source, means being provided for
26	recharging said power source.	recharging said power source.
27	Claim 34	
28	A data entry system according to any of	A data entry system according to any of
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1 2	VERBATIM CLAIM LANGUAGE	COURT'S CLAIM INTERPRETATION
3	claims 26, 27, 29 or 30, wherein said telecommunications interface is a wireless telecommunications network interface.	claims 26, 27, 29 or 30, wherein said telecommunications interface is a wireless telecommunications network interface.
5	Claim 35	
6 7 8	A data entry system according to any of claims 26, 27, 29, 30 or 31, wherein said telecommunications interface is a cellular telephone network interface.	A data entry system according to any of claims 26, 27, 29, 30 or 31, wherein said telecommunications interface is a cellular telephone network interface.
9	Claim 37	
10 11	A data entry system according to any of claims 26, 27, 28, 29, 30 or 31, wherein said telecommunications interface includes a modem.	A data entry system according to any of claims 26, 27, 28, 29, 30 or 31, wherein said telecommunications interface includes a modem.
12	Claim 38	
13 14 15 16 17	A data entry system according to any of claims 26, 27, 28, 29, 30 or 31, wherein said hand holdable unit comprises one or two manually operable switches for scrolling said display in a first and/or second direction for selectively displaying information for respective selectable or selected items from said storage.	A data entry system according to any of claims 26, 27, 28, 29, 30 or 31, wherein said hand holdable unit comprises one or two manually operable switches for scrolling said display in a first and/or second direction for selectively displaying information for respective selectable or selected items from said storage.
18	Claim 39	
19 20 21	A data entry system according to any of claims 26, 27, 28, 29, 30 or 31 wherein said hand holdable unit comprises one or two manually operable switches for scrolling said display in a first and/or second direction for selectively displaying	A data entry system according to any of claims 26, 27, 28, 29, 30 or 31 wherein said hand holdable unit comprises one or two manually operable switches for scrolling said display in a first and/or second direction for selectively displaying information for
22	information for respective selectable or selected items from said storage, and	respective selectable or selected items from said storage, and wherein operation of said
23 24	wherein operation of said first and/or second switches in predetermined operational states of said hand holdable	first and/or second switches in predetermined operational states of said hand holdable unit causes predetermined functions
25	unit causes predetermined functions other than scrolling functions to be performed.	other than scrolling functions to be performed.
26	Claim 40	
27 28	A data entry system according to any of claims 26, 27, 28, 29, 30 or 31 wherein said	A data entry system according to any of claims 26, 27, 28, 29, 30 or 31 wherein said

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1		VERBATIM CLAIM LANGUAGE	COURT'S CLAIM INTERPRETATION
3 4 5		display screen comprises a touch sensitive screen forming a said reading sensor, said controller being arranged to be responsive to a location at which said screen is touched for user input.	display screen comprises a touch sensitive screen forming a said reading sensor, said controller being arranged to be responsive to a location at which said screen is touched for user input.
6		Claim 41	
7 8 9 10		A data entry system according to any of claims 26, 27, 28, 29, 30 or 31 wherein a said reading sensor is for reading coded data, wherein said controller is arranged to access the stored information for selectable items to determine natural language characters or images corresponding to the coded data for display.	A data entry system according to any of claims 26, 27, 28, 29, 30 or 31 wherein a said reading sensor is for reading coded data, wherein said controller is arranged to access the stored information for selectable items to determine natural language characters or images corresponding to the coded data for display.
11		Claim 44	
13 14		A data entry system according to any of claims 26, 27, 28, 29, 30 or 31, wherein a said reading sensor is a motion detector or a scanning device.	A data entry system according to any of claims 26, 27, 28, 29, 30 or 31, wherein a said reading sensor is a motion detector or a scanning device.
15		Claim 45	
16 17		A data entry device according to claim 44, wherein said scanning device is a camera.	A data entry device according to claim 44, wherein said scanning device is a camera.
18		Claim 51	
19 20 21		A data entry system according to any claims 26, 27, 28, 29, 30 or 31, wherein programs in said hand holdable unit are updateable remotely from said processing center.	A data entry system according to any claims 26, 27, 28, 29, 30 or 31, wherein programs in said hand holdable unit are updateable remotely from said processing center.
22		Claim 53	
23 24		A data entry system according to any of claims 26, 27, 28, 29, 30 or 31, comprising a carrier for a plurality of data and/or	A data entry system according to any of claims 26, 27, 28, 29, 30 or 31, comprising a carrier for a plurality of data and/or command codes for association with means for displaying a plurality of selectable items, wherein said carrier carries a plurality of codes, each for a respective one of a plurality of natural language and/or numeric
252627		command codes for association with means for displaying a plurality of selectable items, wherein said carrier carries a plurality of codes, each for a respective one of a plurality of natural language and/or	
28		numeric characters and a plurality of commands for controlling operation of said	characters and a plurality of commands for controlling operation of said data entry or

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1 2		VERBATIM CLAIM LANGUAGE	COURT'S CLAIM INTERPRETATION
3 4 5		data entry or merchandising system, each code being associated with a visual representation of the corresponding natural language or numeric character or command and/or of a graphical representation thereof.	merchandising system, each code being associated with a visual representation of the corresponding natural language or numeric character or command and/or of a graphical representation thereof.
6		Claim 55	
7 8		A data entry system according to claim 53, wherein said carrier comprises a display.	A data entry system according to claim 53, wherein said carrier comprises a display.
9		Claim 56	
10 11 12		A data entry system according to any of claims 26, 27, 28, 29, 30 or 31, wherein a key on said data entry unit can be used for entry of a said command and/or data.	A data entry system according to any of claims 26, 27, 28, 29, 30 or 31, wherein a key on said data entry unit can be used for entry of a said command and/or data.
13		Claim 57	
14 15 16 17		A merchandising system comprising a data entry system according to any of claims 26, 27, 28, 29, 30 or 31, wherein: said selectable items are merchandisable items; and said remote processing center initiates processing of user orders of said selectable merchandisable items.	A merchandising system comprising a data entry system according to any of claims 26, 27, 28, 29, 30 or 31, wherein: said selectable items are merchandisable items; and said remote processing center initiates processing of user orders of said selectable merchandisable items.
18		Claim 59	
19 20 21 22		A data entry system according to any of claims 27, 28, 30 or 31, wherein said controller is responsive to a said command to cause downloading of information from said remote processing center as required for updating information previously stored	A data entry system according to any of claims 27, 28, 30 or 31, wherein said controller is responsive to a said command to cause downloading of information from said remote processing center as required for updating information previously stored in said rewriteble storage for one or more of
23		in said rewritable storage for one or more of said selectable items.	said rewritable storage for one or more of said selectable items.
24		Claim 60	
252627		A data entry system according to any of claims 28, 29, 30 or 31 wherein said hand holdable unit includes a speaker and/or microphone permitting said hand holdable unit to be used as a telephone handset.	A data entry system according to any of claims 28, 29, 30 or 31 wherein said hand holdable unit includes a speaker and/or microphone permitting said hand holdable unit to be used as a telephone handset.
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1 2		EXHIBIT B GLOSSARY OF TERMS
3	<u>TERM</u>	<u>DEFINITION</u>
4	<u>carrier</u>	a medium which carries one or more data and/or command code, character, image, or graphical or alphanumeric data representation
5	coded data	data having a recognizable pattern or structure
7	commands and/or sensed commands	instructions
8	communications interface	a device which enables communication between two or more devices
9	<u>comprise</u>	are
0	<u>controller</u>	a microprocessor or other processing circuitry
11	<u>coupled</u>	connected or linked
2	<u>data</u>	factual information
3	directly connects	connect without an intervening agency or step between the hand holdable unit and the telecommunications network
5	directly to connect	connect without an intervening agency or step between the data entry device and the wireless telecommunications network
6	<u>display</u> (n.)	an electronic element that provides a visual representation
7	<u>display</u> (v.)	show
8	downloading	transferring from one place to storage at another
9	<u>forming</u>	assuming the function of
20	<u>hand holdable</u>	can be held by one hand in normal use
21	input signals	output of the reading sensor to be received by a controller
22	integral with	formed as a unit with one or more parts
23	<u>key</u>	a manual switch
24	manually operable switches	devices for making, breaking, or changing the connections in an electrical circuit, which can be operated by hand
25	<u>modem</u>	a device that converts data from one form to another
26	motion detector	a device that is sensitive to movement
27	process (v.)	to subject to examination or analysis
8	<u>programs</u>	coded instructions that a computer follows to perform a desired sequence of operations

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1 2	reading sensor	a structure capable of detecting and reporting data
3	<u>responsive</u>	giving response or reaction
	rewritable storage	storage in which the stored information can be written over
4	scrolling said display	stepping through text or graphics displayed on a display
5	<u>signature</u>	a characteristic or mark distinctively identifying a person
6 7	<u>storage</u>	part of a computer that accepts and retains information for subsequent use or retrieval
	stored information	information previously saved
8 9	telecommunications line interface	a device that enables telephonic communication between two or more devices by wire or cable
10	touch sensitive screen	screen which reacts to touch by producing a signal
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